

1 MARK JOSEPH KENNEY (State Bar No. 87345)
2 MARK I. WRAIGHT (State Bar No. 228303)
3 SEVERSON & WERSON
4 A Professional Corporation
5 One Embarcadero Center, Suite 2600
San Francisco, CA 94111
Telephone: (415) 398-3344
Facsimile: (415) 956-0439
mjk@severson.com
miw@severson.com

7 JAMES RANDOLPH LIEBLER (FL Bar No. 507954; Admitted *Pro Hac Vice*)
CHRISTOPHER MICHAEL DRURY (FL Bar No. 0796751; Admitted *Pro Hac Vice*)
Liebler, Gonzalez & Portuondo, P.A.
8 44 W. Flagler St., Suite 2500
Miami, FL 33130
9 Telephone: (305) 379-0400
Facsimile: (305) 379-9626
10 jrl@lgplaw.com
cmd@lgplaw.com

12 | Attorneys for Defendant
BANK OF AMERICA, N.A.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

18 | CALIFORNIA PACIFIC BANK, a California banking corporation,

Plaintiff,

vs.
BANK OF AMERICA, N.A., and
DOES 1-20, inclusive

Defendants.

Case No.: C07-03330 JCS

JOINT STATUS REPORT

Date: June 6, 2008
Time: 1:30 a.m.
Room: A, 15th Floor
Judge: Joseph C. Spero

BANK OF AMERICA, N.A. and CALIFORNIA PACIFIC BANK, through
undersigned counsel, and hereby submit the following Joint Status Report.

27 | / / /

28 | // /

1 **Summary of the Status of Florida Case No. 522007CA005147XXCICI**

2 **(Bullard Electronics, LLC v. Bank of America, N.A., and California Pacific Bank)¹**

3 Status of the Pleadings:

4 A. Complaint: Bullard Electronics, LLC filed its lawsuit naming Bank of
 5 America and California Pacific Bank as defendants. Bank of America was served on
 6 June 18, 2007. It filed an answer on July 26, 2007. Bullard Electronics, LLC claims
 7 it served California Pacific Bank on June 18, 2007. California Pacific Bank contends,
 8 however, that it was not properly served. California Pacific Bank further contends that
 9 the Florida Court lacks jurisdiction over California Pacific Bank.

10 Bank of America contends that on July 9, 2007, a default was entered against
 11 California Pacific Bank. Bullard Electronics filed a motion for entry of default
 12 judgment against California Pacific Bank on or about July 12, 2007. On or about
 13 September 7, 2007 Bullard Electronics withdrew its motion for a default judgment,
 14 indicating to the Florida Court that it intended to file an amended complaint. The
 15 Florida Court entered an Order permitting Bullard Electronics, LLC to file an
 16 amended complaint within 30 days from the date of the Order. In December 2007,
 17 the Florida Court entered an additional order allowing Bullard Electronics to file an
 18 amended complaint up to and including January 8, 2008. To date, Bullard Electronics
 19 has not amended the complaint.

20 B. Counterclaim: Bank of America filed a cross-claim for declaratory relief
 21 against California Pacific Bank, and a counterclaim against Bullard Electronic, LLC,
 22 and NBG, LLC on July 26, 2007.

23 Status of the Injunction:

24 The June 4, 2007 injunction entered by Circuit Court Judge Mark I. Shames of
 25 the Sixth Judicial Circuit in and for Pinellas County, Florida is still in effect. The
 26 injunction makes the following order:

27
 28

¹ A complete copy of the docket for the Florida action is attached hereto as Exhibit A.

1 A. Bank of America, N.A., hereby is temporarily
2 enjoined, until further order of the Court, from honoring any
3 demand made for payment of all or any part of its Letter of
4 Credit No. 68017913 in the amount of \$412,080.
5

6 Status of Discovery:

7 Written discovery is now complete.
8

9 Court Ordered Dates:

10 No trial date has been set, but an informal settlement meeting was held between
11 Bullard Electronics, LLC and Bank of America, N.A. in late 2007
12

13 DATED: May 30, 2008

14 Liebler, Gonzalez & Portuondo, P.A.
15 Attorneys for Bank of America, N.A.
16 Courthouse Tower - 25th Floor
17 44 West Flagler Street
18 Miami, FL 33130
19 Tel No. (305) 379-0400
20 Fax No. (305) 379-9626
21 Email: Jrl@lgplaw.com

22 By: /s/ J. Randolph Liebler
23 J. RANDOLPH LIEBLER
24 Florida Bar No. 507954
25 CHRISTOPHER M. DRURY
26 Florida Bar No. 796751

27 DATED: May 30, 2008

28 **SEVERSON & WERSON**
A Professional Corporation

29 By:/s/ Mark I. Wright
30 Mark I. Wright
31 Attorneys for Defendant
32 BANK OF AMERICA, N.A.

33 DATED: May 30, 2008

34 **NIVEN & SMITH**

35 By:/s/ Leo M. LaRocca
36 Leo M. LaRocca
37 Attorneys for Plaintiff
38 CALIFORNIA PACIFIC BANK